

REMARKS

Claims 1-16, 34, 35, and 39 are all of the claims pending in the present Application. Claims 17-33 and 36-38 are canceled. The subject matter of claim 38, indicated as allowable, has been incorporated into all remaining independent claims, thereby permitting all remaining claims to pass immediately to allowance. Claim 9 is withdrawn from consideration until an allowable linking claim permits rejoinder.

It is noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Applicant gratefully acknowledges the Examiner's indication that newly-added claims 38 and 39 would be allowable if rewritten in independent format and, in an effort to expedite prosecution, has incorporated the subject matter of claim 38 into the independent claims.

Claims 1-8, 10, 11, 16, 34, 35, 38, and 39 stand rejected under 35 USC §112, second paragraph, as allegedly indefinite. Applicant believes the above claim amendments appropriately address the Examiner's concern and respectfully requests that the Examiner reconsider and withdraw this rejection.

Claims 1-8, 10-16, 34, and 35 stand rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, and 4-23 in the parent Application 09/759,101, now U.S. Patent 6,653,240, further in view of US Patent 6,010,918 to Marino.

Although Applicant continues to disagree with the Examiner's position on this rejection, the incorporation of the subject matter of claim 38 into the three independent claims renders this rejection moot.

FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-16, 34, 35, and 39, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance, since withdrawn claim 9 would be subject to rejoinder. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0458.

Respectfully Submitted,



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